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★ DEC 14 2016 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
AN ORDER PURSUANT TO
18 U.S.C. § 2703(d)

APPLICATION FOR HISTORICAL
CELL-SITE INFORMATION PER
§ 2703(d)

No.

MC 16-3161-
ACT

APPLICATION OF THE UNITED STATES
FOR AN ORDER FOR HISTORICAL CELL-SITE INFORMATION
PURSUANT TO 18 U.S.C. § 2703(d)

The United States of America, moving by and through its undersigned counsel, respectfully submits this application for an Order pursuant to 18 U.S.C. § 2703(d). The proposed Order would require T-Mobile, a cellular service provider, located in Parsippany, New Jersey, to disclose certain records and other information pertaining to the cellular telephone assigned call number (347) 339-3880, as described in Part I of Attachment A to the proposed Order. The records and other information to be disclosed are described in Part II of Attachment A. In support of this application, the United States asserts:

LEGAL BACKGROUND

1. T-Mobile is a provider of an electronic communications service, as defined in 18 U.S.C. § 2510(15). Accordingly, the United States may use a court order issued under § 2703(d) to require T-Mobile to disclose the items described in Part II of Attachment A, as these records pertain to a subscriber of electronic communications service and are not the contents of communications. See 18 U.S.C. § 2703(c)(1).

2. This Court has jurisdiction to issue the proposed Order because it is “a court of competent jurisdiction,” as defined in 18 U.S.C. § 2711(3). *See* 18 U.S.C. § 2703(d). Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated. *See* 18 U.S.C. § 2711(3)(A)(i).

3. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d). Accordingly, the next section of this application sets forth specific and articulable facts showing that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

THE RELEVANT FACTS

4. The United States is investigating SASHA HONORE on suspicion of carjacking, in violation of 18 U.S.C. § 2119, specifically on or about October 16, 2015, in the area of Bushwick, Brooklyn (“the October 16 Carjacking”).

5. As relevant to the requested order, and as it concerns the October 16 Carjacking, a livery cab driver was dispatched to the area of Bushwick, Brooklyn at approximately 7:30 p.m. on October 16, 2015. Three males entered the cab. One sat in the front passenger seat and two sat in the rear. They directed the driver to the area of 661 East 24th Street in Brooklyn. As the cab arrived at that location, the male in the front passenger seat displayed a black and brown firearm and demanded the keys to the vehicle, and anything else of value. The livery cab driver gave over the keys, a wristwatch, and an amount of U.S. currency. One of the passengers in the rear moved to the driver’s seat. The three males fled in the cab.

6. The victim of the October 16 Carjacking later identified SASHA HONORE, in a lineup, as the individual who had sat in the front passenger seat and displayed a firearm. The victim also identified HONORE's co-defendants MARDOCHE PETITPHARE and RAYVAUGHN WILLIAMS as the other two men involved.

7. HONORE, PETITPHARE and WILLIAMS have been charged with the October 16 Carjacking in the matter of United States v. Honore, Criminal Docket No. 16-114 (ERK) (E.D.N.Y.) (Count One of the Indictment).

8. The proposed order seeks information for a cellular telephone number that, according to T-Mobile records, was registered to HONORE between April 17, 2015, and December 17, 2015.

REQUEST FOR ORDER

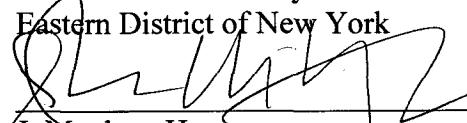
9. The facts set forth in the previous section show that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, these items constitute evidence of HONORE's location before, during and after the carjacking offense with which he is charged on October 16, 2015. Evidence of HONORE's location on the day of the carjacking, as well as the days before and after, is relevant to the ultimate question of HONORE's complicity

in the charged offense. Accordingly, the United States requests that T-Mobile be directed to produce all items described in Part II of Attachment A to the proposed Order.

Dated: Central Islip, New York

DEC. 14, 2016

By:

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